



JUN 08 2005

Docket No.: 1584.1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Robert EILBACHER, et al.

Group Art Unit: 2742

Serial No. 09/490,065

Examiner: Harry S. Hong

Filed: January 24, 2000

Confirmation No.: 6692

For: APPARATUS AND METHOD FOR MONITORING AND ADAPTING TO ENVIRONMENTAL FACTORS WITHIN A CONTACT CENTER

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In item 1 on page 2 of the Notice of Allowability the Examiner states that the prior art of record fails to teach or suggest certain claimed features. The Examiner's listing of features appears to be a paraphrasing of selected features from certain claims. However, the Examiner's recitation is not an accurate quote of the features found in each of the independent claims. By way of example and not limitation, claim 12 is a method claim which does not recite "receiving multimedia communication data at a contact center." Nor does claim 12 recite a "rules-based recording unit storing the received multimedia communication data." Further, while claim 12 does include an analyzing feature, the analyzing is not done with respect to the "stored multi-media communication." Finally, claim 12 does not recite, "changing the recording rules based on the analysis," but instead recites "dynamically changing the first set of the recording rules as a result of the analysis."

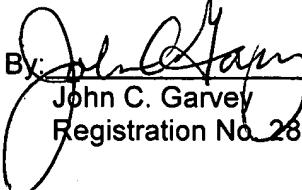
It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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Date: 6-8-05

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